



FW: Contaminated soil used for restoration
DC Orr

to:

Carol Campbell, eric.bierwagen, Kirby Campbell-Rierson, mvolesky, Virginia Sloan
03/28/2011 08:34 AM

Show Details

Libby 041

Ms. Campbell;

The issue of contaminated soil delivered to OU-1 seems to have collided with the bark issue. I have recently come to the understanding that the soil used for restoration has to have organic material added to meet EPA specifications. I know your soil supplier has a "soil shredder" which was parked at Leroy Thoms' welding shop for repairs. I know that alot of people complained that the clay used for restoration wouldn't grow anything. I know your topsoil supplier has a huge supply of wood waste from a local mill operation. I know that LA in wood waste is about to become a huge issue in Libby. I can see bark chips floating to the surface everywhere this material has been used.

Can you tell me if the bark shredded into the clay that EPA has used for restoration was tested for LA before it was used in the soil? Was the soil tested separately? Was the material ever tested after it was blended with the bark?

Please respond.

Sincerely, DC Orr

From: xcav8orr@hotmail.com

To: campbell.carol@epamail.epa.gov; earle.sean@epamail.epa.gov; virginia_sloan@tester.senate.gov;
kirby_campbell-rierson@baucus.senate.gov; eric.bierwagen@mail.house.gov

CC: murray.bill@epamail.epa.gov

Subject: RE: Contaminated soil used for restoration

Date: Fri, 18 Mar 2011 12:29:30 -0600

Ms. Campbell;

It is obvious that you are being purposely deceptive and evasive. Please pass my concerns on to someone who takes human health issues seriously.

EPA contractors delivered soil to OU-1 that was contaminated with LA fibers.

I have asked EPA to name the contractor, name the source of the material, and the reason it was contaminated so that we don't make the same mistake if we do restoration. This needs to be answered before we can make an informed decision on restoration or remediation.

This also raises the questions about lack of EPA oversight since this material was placed in violation of protocols designed to protect human health. This is a problem stemming from EPA incompetence and corruption, not City ownership of the property. Please explain how this happened.

You have admitted that EPA has no control over delivery of material by EPA contractors. That is a HUGE admission of guilt. Now, what are we going to do to rectify the problems with EPAs' contracting system?

Please supply the name of the contractor who delivered the contaminated soil to OU-1, the

source of the soil, and the source of the contamination. Then explain how the soil was delivered in violation of protocols requiring sampling before delivery.

I have added one question as new information became available. How was contaminated bark from OU-5 removed from that Operable Unit and placed on OU-1 at the Victims Memorial pavillion?

I am passing this on to my Congressional Reps in the hope that they can exert pressure to answer the questions of an elected official who has important decisions to make on OU-1. There are a huge number of questions EPA has refused to respond to and I fear I cannot make decisions without information, at least not informed decisions.

Please respond.

Sincerely, DC Orr

Subject: Re: Contaminated soil used for restoration
 From: Campbell.Carol@epamail.epa.gov
 Date: Fri, 18 Mar 2011 13:34:44 -0400
 To: xcav8orr@hotmail.com
 CC: Murray.Bill@epamail.epa.gov

Until remedial actions are complete and institutional controls are in place it is hard to control actions at a site. That is why it is important to get the work complete at OU 1. We do not own this property- the city does.

From: DC Orr [xcav8orr@hotmail.com]
Sent: 03/18/2011 07:42 AM CST
To: Carol Campbell; Sean Earle
Subject: FW: Contaminated soil used for restoration

Ms Campbell;

We are running out of time to receive a response. Your reluctance to respond has given us time to verify that there has been bark from OU-5 delivered to OU-1. How did this happen?
 DC

From: xcav8orr@hotmail.com
 To: campbell.carol@epamail.epa.gov; earle.sean@epamail.epa.gov
 Subject: FW: Contaminated soil used for restoration
 Date: Wed, 16 Mar 2011 06:28:39 -0600

Ms. Campbell;

It has been five weeks since I first posed the questions contained in this email. EPA's method of communication has failed.

EPA has repeatedly delivered contaminated soil to OU-1. EPA states that they want to reduce exposures in Libby but EPA is increasing, even creating, exposures through mismanagement of contaminated material in this Superfund Site.

EPA delivered a clean OU-1 to the City of Libby in 2005. EPA now wants access because EPA

has re-contaminated the entire site.

I would like to help EPA do their job. I can't help if EPA refuses to supply critical information. Please respond.

Sincerely, DC Orr

From: xcav8orr@hotmail.com

To: pennock.sonya@epamail.epa.gov

CC: thomas.rebecca@epamail.epa.gov; earle.sean@epamail.epa.gov; campbell.carol@epamail.epa.gov; ketellapper.victor@epa.gov

Subject: RE: Contaminated soil used for restoration

Date: Tue, 8 Mar 2011 08:26:52 -0700

Ms Pennock;

I saw a response to the members of the Groups on this issue yesterday. I sincerely hope you don't consider the response to the Groups to be a response to my questions contained in this email stream. I have told you before that your responses to the Groups may contain information I am not privy to. Your response to the Groups definitely ignores some of my concerns. I respectfully request that you respond to my concerns and not muddy the waters by adding other concerns to the mix.

Your response to the Groups directly addresses some of my concerns. You do admit that EPA allowed laydown material to be imported to OU-1 even though it tested positive for Libby Amphibole fibers.

Contaminated fill was delivered to OU-1. EPA admits it. You seem to make a case that EPA delivered contaminated soil to OU-1 on purpose when you say that "EPA's intent was then and is now to remove this material..." This brings up one new question. Did EPA deliver contaminated soil to OU-1 on purpose, with the intent of removing it later?

I have to ask this question because your response to the Groups avoided my questions concerning violations of the RAWP and safety protocols for handling hazardous materials. This is the position your responses have put you in. Either EPA delivered contaminated soil to OU-1 on purpose, or EPA oversight failed to prevent the delivery of contaminated soil to OU-1. Which is it?

This will naturally dovetail into another issue you touched on in your response to the Groups, topsoil used in past removal actions. My questions were specific to OU-1 and specific to the sources directly downstream from Rainey Creek in the floodplain of the Kootenai River, not the "variety of sources" you mention in your response to the Groups. Just the material from the floodplain that was delivered to OU-1.

Can you supply sample results showing the source and quantities for topsoil used on OU-1 North of City Service Road which EPA seems willing to ignore in Remedial Action?

Your response to the Groups mentions ABS to verify the efficacy of the remedy. Will EPA conduct ABS on the area North of City Service Road, on OU-1, which received topsoil from the floodplain?

Please review this email thread. Any sentence that ends in a question mark denotes a query I have posed to EPA as an elected official in this thread. You can ignore the questions I posed to members of the Groups but I expect answers to every question I have posed to EPA.

There are a few requests which don't contain question marks, I will restate them here with the question marks added:

How was contaminated soil delivered to OU-1 in violation of protocols requiring testing before delivery?

Which EPA contractor delivered the contaminated soil to OU-1?

What was the source of this material?

What was the source of the contamination?

How did oversight fail to catch this contaminated material before it was delivered?

Why did Rebecca Thomas change the unit rate in secret negotiations with Mayor Roll and Chris Noble?

I expect EPA to answer my questions before I will ever consent to allowing EPA access to OU-1. EPA has botched OU-1 actions to such a degree that they are actually causing exposures, not reducing exposures. Why would I let EPA do any more work if I have no confidence in your ability to do it right? (note ? mark)

I look forward to your timely, comprehensive, honest response.

Sincerely DC Orr

> Subject: Re: FW: Contaminated soil used for restoration
 > To: xcav8orr@hotmail.com
 > CC: Thomas.Rebecca@epamail.epa.gov; Earle.Sean@epamail.epa.gov; Campbell.Carol@epamail.epa.gov; Ketellapper.Victor@epa.gov
 > From: Pennock.Sonya@epamail.epa.gov
 > Date: Mon, 7 Mar 2011 08:46:48 -0700
 >
 > We are drafting a response to your question about the soil placed by EPA
 > on OU1.
 >
 >
 > Sonya Pennock
 > Office of Communications & Public Involvement
 > US/EPA Region 8
 > 1595 Wynkoop Street
 > Denver, CO 80202-1129
 > Phone: 303-312-6600
 >
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 >
 >
 > From: DC Orr <xcav8orr@hotmail.com>
 > To: Rebecca Thomas/R8/USEPA/US@EPA, Sonya
 > Pennock/R8/USEPA/US@EPA, Sean Earle/R4/USEPA/US@EPA, Carol
 > Campbell/R8/USEPA/US@EPA, <barbdesch@gmail.com>,
 > <bigskylawyer@yahoo.com>, Bill Bischoff <billb@libby.org>,
 > Doug Roll <dproll@yahoo.com>, <jim.hammons@cityoflibby.com>,
 > Peggy Williams <flourgardener@yahoo.com>,
 > <robinsdesk@yahoo.com>, vicky lawrence
 > <montanavicky@gmail.com>
 > Date: 03/07/2011 08:32 AM
 > Subject: FW: Contaminated soil used for restoration
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> Dear EPA;
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 > This question has been asked repeatedly for quite some time. It is
 > relative to the bigger question that started when ER got a CURE notice
 > for not using filters on decon water at the minesite. Actually, we had
 > been asking questions about the filters for YEARS before the CURE
 > notice.
 > The big issue is this; how can the EPA contractors, with Paul
 > Peronards 12 layers of EPA oversight, continually and repeatedly violate
 > the RAWP in such important areas as decon, soil testing, alcohol and
 > drug abuse on the job, transportation of hazardous materials, and
 > documentation?
 > These protocols are put in place to protect human health, just
 > because EPA refuses to do the tox studies doesn't mean this stuff isn't
 > toxic.
 > Can someone please let me know you are putting effort into answering
 > the question of delivery of contaminated soil on OU-1.
 >
 >
 > From: xcav8orr@hotmail.com
 > To: ketellapper.victor@epa.gov; thomas.rebecca@epamail.epa.gov;
 > earle.sean@epamail.epa.gov; campbell.carol@epamail.epa.gov
 > Subject: FW: Contaminated soil used for restoration
 > Date: Mon, 28 Feb 2011 10:05:34 -0700
 >
 > Ms. Thomas;
 >
 > I talked to Mr. Kettellapper today and he was going to facilitate an
 > answer to this set of questions.
 >
 > Thanks, DC Orr
 >
 >
 > From: xcav8orr@hotmail.com
 > To: thomas.rebecca@epamail.epa.gov; earle.sean@epamail.epa.gov;
 > campbell.carol@epamail.epa.gov
 > Subject: FW: Contaminated soil used for restoration
 > Date: Fri, 11 Feb 2011 07:10:10 -0700
 >
 > Ms. Thomas;
 >
 > As we move forward on work at OU-1 I think it will become
 > increasingly important that EPA give the Council an explanation on how
 > the heck contaminated soil was delivered to OU-1 in violation of
 > protocols set up in the RAWP.
 > I would request that you reveal which contractor delivered the
 > contaminated material to OU-1 and the source of that soil and it's
 > reason for being contaminated so that we can be sure to not make the
 > same mistake when we do the Restoration work. (IF we do the Restoration
 > work) It is also important that the Council know why oversite failed to
 > hold the contractor to the protocols set up to protect human health.
 > Please respond and understand that this response is going to generate
 > more questions, especially concerning the topsoil used in previous
 > action on OU-1 which was obtained from the floodplain by the Kootenai
 > River just downstream from Rainy Creek. This comment was ignored in the
 > ROD.

> Sincerely, DC Orr
 >
 >
 > From: xcav8orr@hotmail.com
 > To: filmwest@gmail.com; gordsull@yahoo.com; perquiaga@eaglesvoice.com;
 > five_rivers@ymail.com
 > Subject: FW: Contaminated soil used for restoration
 > Date: Thu, 29 Jul 2010 16:50:27 -0600
 >
 > Folks;
 > There is an important lesson in the following exchange. When I called
 > Mike Cirian to ask him if the contaminated material I was reading about
 > was dumped on OU-1, his verbal response was a simple NO.
 > Once I asked the same question in writing, he changes my first verbal
 > question, and then actually answers that YES, INDEED, ASSUREDLY EPA did
 > cross contaminate OU-1.
 > Why do any of us bother calling these folks? Email them and develop
 > a public record we can use against them later.
 > Note that he did not respond to the questions of public safety and
 > did not deny that their contractors are still violating their protocols
 > with impunity. The Removal Action Work Plan means nothing if it is not
 > enforced.
 > As usual, DC
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 >
 > > Subject: Re: Contaminated soil used for restoration
 > > To: xcav8orr@hotmail.com
 > > CC: Murray.Bill@epamail.epa.gov; Thomas.Rebecca@epamail.epa.gov;
 > Ketellapper.Victor@epamail.epa.gov; Pennock.Sonya@epamail.epa.gov;
 > glena.young@cityoflibby.com; Earle.Sean@epamail.epa.gov; RSloan@mt.gov;
 > Linnert.Ted@epamail.epa.gov; Wharton.Steve@epamail.epa.gov;
 > jim.hammons@cityoflibby.com
 > > From: Cirian.Mike@epamail.epa.gov
 > > Date: Thu, 29 Jul 2010 12:45:10 -0600
 > >
 > > Mr. Orr,
 > >
 > > You asked on the telephone conversation if we used the topsoil that
 > had
 > > a hit for trace LA at OU1, My answer was no and you asked for that in
 > > writing (we did not use any topsoil at OU1).
 > >
 > > Your question below asks can I assure you that soil used to cover
 > > visible vermiculite was not from the contaminated source you were
 > > reading about. I can not as some of the laydown material used to cover
 > > the visible vermiculite was from the laydown material that had one
 > > sample come back at a trace result. The material used at OU1 with the
 > > trace result is however behind the construction barrier fence in areas
 > > that are going to be addressed as part of the remedial actions for OU1
 > > in which we are coordinating our actions along with the cities new
 > plans
 > > for the site. Material (Common fill) placed outside the orange fencing
 > > is material that was tested and was non-detect for LA.
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 > >

> > Mike Cirian

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> > Contaminated soil used for restoration

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> > DC Orr

> > to:

> > Mike Cirian

> > 07/28/2010 12:00 PM

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> > Mr. Cirian;

> > Just a quick followup to our phone conversation this morning.

> > I have been reading that EPA allowed their contractors to violate

> > protocols included in the Removal Action Work Plan and this resulted

> > in

> > material being delivered to restoration projects that contained low

> > levels of Libby Amphibole. This contaminated soil was spread out on

> > several sites.

> > I have witnessed EPA contractor crews dumping quite a bit of soil at

> > OU-1 recently. Fences have also been erected at various spots on this

> > site seemingly without any specific criteria. It has been a very

> > willy-nilly program.

> > Can you assure me that the soil used to temporarily cover visible

> > vermiculite that has laid in the open for years at OU-1 was not the

> > contaminated restoration or cover material that I have been reading

> > about?

> > If it is, what are the ramifications for public safety in this public

> > park to exposed contaminant blowing in the wind?

> > Thank you for your consideration of this important matter.

> > Sincerely, Councilman DC Orr; (Public Safety Coordinator)

> >

> > The New Busy think 9 to 5 is a cute idea. Combine multiple calendars

> > with Hotmail. Get busy.

> >

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> The New Busy is not the too busy. Combine all your e-mail accounts with

> Hotmail. Get busy.

>